

REMARKS

In accordance with the foregoing, the specification and claim 1, 10, and 15 have been amended.

Claims 1-17 are pending and under consideration.

REJECTION UNDER 35 U.S.C. § 102:

In the Office Action, at page 2, claims 1, 8, 9, 10, 14, and 15 are rejected under 35 U.S.C. § 102 in view of Gavron et al. ("Gavron"). This rejection is traversed and reconsideration is requested.

Gavron generally provides in a right portion of a window that data items are displayed in the same single display format, which is similar to a detailed format as provided in conventional systems. See page 35 of Gavron. However, Gavron fails to teach or suggest that a plurality of data items are displayed "in different display forms in a list, the display forms corresponding to respective attributes of the data items and defining respective ways of displaying the list of data items" as recited in independent claims 1, 10, and 15.

As a general proposition, claim limitations are to be interpreted in light of its broadest reasonable interpretation. In re Prater, 162 USPQ 541, 550-51 (CCPA 1969), cited with approval, In re Morris, 44 USPQ2d 1023, 1028 (Fed. Cir. 1997). Further, the claims should be interpreted in light of their plain meaning as understood by one of ordinary skill in the art. In re Zletz, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989), citing In re Prater. However, the broadest reasonable interpretation must also conform to the broadest reasonable interpretation afforded by one of ordinary skill in the art when read in light of the specification. In re Prater, 162 USPQ 541, 550-51, In re Morris, 44 USPQ2d at 1027, MPEP 2111.01 (7th Ed., rev. 1)(Feb. 2000).

In view of the foregoing, as defined in the Specification of the present application, the term "display forms" refers to methods of displaying a list of data items, which may include a "large icon format," a "small icon format," a "list format," and a "detailed format." For instance, on page 11, lines 29-35 of the Specification, "FIG. 13 is a diagram showing a first example of the drawn table 68 of the correspondence between the list display items and the display formats. Here, the display method, or a form of display, uses a detailed format for first through sixth data items, a large icon format for a seventh data item, and a list format for an eighth data item."

Thus, "a plurality of data items are displayed in a list in different display forms based on

the respective attributes. Therefore, the same display format can be used to display a data item in a list of data items of different attributes and in a list of data items of a single attribute. This allows users to understand the lists more easily without confusion. Further, all the desired information to be displayed of each data item can be displayed without fail, thus making it easy to find objective data from a list." (Page 14, lines 5-15)

Accordingly, Gavron fails to teach or suggest the recitations of independent claims 1, 10, and 15. It is respectfully requested that independent claims 1, 10, and 15 and related dependent claims be allowed.

REJECTION UNDER 35 U.S.C. § 103:

In the Office Action, at page 3, claims 2 and 3 are rejected under 35 U.S.C. § 103 in view of Gavron. The rejection is traversed and reconsideration is requested.

The arguments presented above are incorporated herein to support the patentability of claim 2/1 and 3/1 over Gavron.

According to page 4 of the Office Action, Official Notice is taken as to the recitations provided in dependent claims 2 and 3. However, "rejection of patent application for obviousness under 35 USC §103 must be based on evidence comprehended by language of that section, and search for and analysis of prior art includes evidence relevant to finding of whether there is teaching, motivation, or suggestion to select and combine references relied on as evidence of obviousness; factual inquiry whether to combine references must be thorough and searching, based on objective evidence of record." In re Lee 61 USPQ2d 1430 (CA FC 2002)

Thus, as pointed out in In re Lee, the record must support motivation, i.e., there must be something in the record pointing out where the recited motivation can be found. In addition, there must be some discussion on how that purported motivation or suggestion is even relevant to the reference being modified.

Specifically, in In re Zurko, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001) and other recent decisions, the court criticized the USPTO's, both at the Board and Examiner level, reliance on "basic knowledge" or "common sense" to support an obviousness rejection, where there was no evidentiary support in the record for such a finding.

Since the U.S. Patent and Trademark Office wishes to take Official Notice that the

recitations of dependent claims 2 and 3 are notoriously well known, it is respectfully requested that supporting evidence be provided, such as a signed Affidavit. **The Federal Circuit has cautioned that an Examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.** In re Rouffet, 47 USPQ2d 1453, 1458 (Fed. Cir. 1998).

Thus, both the MPEP and recent case law specifically detail that whenever Official Notice is taken, which should be on very rare occasions, the Office Action must provide the explicit support for the reliance on Official Notice "to allow the applicant a proper opportunity to challenge that assertion."

Only the present invention sets forth all the claimed features, as well as the motivation for combining the same. The outstanding rejection would appear to have taken this teaching of the present invention and applied the same to Gavron, as set forth in the Office Action, to disclose the presently claimed invention. Applicant respectfully asserts that the prima facie burden has not been met and the obviousness rejection fails on its face.

Accordingly, it is respectfully requested that independent claim 1 and related dependent claims 2 and 3 be allowed.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner's contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

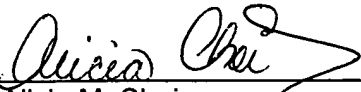
Serial No. 09/854,624

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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